

State of California  
Department of Parks and Recreation

NOTICE OF EXEMPTION

TO: Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

FROM: Department of Parks and Recreation  
Central Valley District  
22708 Broadway Street  
Columbia, CA 95310

PROJECT TITLE: River Partners Right of Entry Permit

LOCATION: Great Valley Grasslands State Park & George J. Hatfield State Recreation Area

COUNTY: Merced

DESCRIPTION OF THE NATURE AND PURPOSE OF PROJECT: Issue a Right of Entry permit to allow River Partners to collect invasive plant species GIS information and conduct weed management in Great Valley Grasslands State Park & George J. Hatfield State Recreation Area.

All work will comply with all State and Federal environmental laws, including but not limited to the Endangered Species Act, California Environmental Quality Act (CEQA), and Section 5024 of the Public Resources Code. DPR will advise River Partners and River Partners will advise DPR if any new historical resources (including archaeological sites), special status species, Threatened/Endangered Species, or other resource issues are identified within the project area.

PUBLIC AGENCY APPROVING THE PROJECT: California Department of Parks and Recreation

NAME OF DIVISION OR DISTRICT CARRYING OUT THE PROJECT: Central Valley District

EXEMPT STATUS:

Categorical Exemption

Class: 5 Section: 15305

REASONS WHY PROJECT IS EXEMPT: Project consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density and is included as 'issuance of easements or permits' in the Department of Parks and Recreation's list of exempt activities in accordance with CCR § 15300.4.

CONTACT: Heather M Reith, DEC  
Central Valley District

TELEPHONE: (209) 536-2887  
EMAIL: hreith@parks.ca.gov

  
for Jess C. Cooper, District Superintendent

DATE 3/2/12

# PROJECT EVALUATION (PEF)

PROJECT CONCEPT		
PROJECT TITLE River Partners Right of Entry Permit and Weed Management Project		PARK UNIT NAME Great Valley Grasslands & George J. Hatfield State Parks
DISTRICT NAME Central Valley District		FACILITY NO. 352 & 312
PROJECT MANAGER Heather M. Reith	PHONE NO. 209-536-2887	EMAIL hreith@parks.ca.gov
DISTRICT PROJECT MANAGER Greg Martin	PHONE NO. 209-826-1197	EMAIL gmart@parks.ca.gov
PROJECT BID DATE	CONSTRUCTION START DATE ASAP	FUNDING SOURCE

## PROJECT DESCRIPTION

Identify the scope of the project in detail, including its purpose, location, and potential impacts. If the ground is to be disturbed, describe the depth and extent of excavation. Describe the existing site conditions, including previous development. Note if work will impact or extend beyond park property. Indicate if work will be done in conjunction with, or as part of, other projects. (Use additional pages if necessary.)

See Attachment A-Right of Entry Permit and "Weed Management and Jobs Creation Project Description"  
Any required regulatory permits will be completed by River Partners prior to start of work.

## DOCUMENTS ATTACHED

- 7.5 minute (quad) map of project area (**Required**)
- Site Map (**Required** - Scale should show relationship to existing buildings, roads, landscape features, etc.)
- Graphics (Specify - photos, diagrams, drawings, cross-sections, etc.):
- Other (Specify):

## REGULATORY REQUIREMENTS

IS AN APPLICATION, PERMIT, OR CONSULTATION REQUIRED?	YES	MAYBE	NO	CONTACT
Coastal Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DFG Stream Alteration Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
State & Federal Endangered Species Consultation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corps of Engineers 404 Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RWQCB or NPDES Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DPR Right to Enter or Temporary Use Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRC 5024 Review	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Americans with Disabilities Act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stormwater Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Encroachment Permit (Specify Agency):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS:

**DEPARTMENT POLICY COMPLIANCE**

<b>HAS A GENERAL PLAN BEEN APPROVED FOR THE UNIT?</b>	YES	NO
If YES, is the project consistent with the GP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If NO, what is the project justification?	<input type="checkbox"/>	<input type="checkbox"/>
Is it a temporary facility? (No permanent resource commitment)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Health and Safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is it a Resource Management Project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is it repairing, replacing, or rehabilitating an existing facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 <b>IS THE PROJECT WITHIN A CLASSIFIED SUBUNIT?</b>		
Natural Preserve	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural Preserve	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Wilderness	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 <b>IS THE PROJECT CONSISTENT WITH THE DEPARTMENT'S CULTURAL RESOURCE MANAGEMENT DIRECTIVES?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 <b>IS THE PROJECT CONSISTENT WITH THE DEPARTMENT'S OPERATIONS MANUAL CHAPTER 0300?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMENTS:

SUPERINTENDENT PROJECT CONCEPT APPROVAL OR DESIGNEE



TITLE

State Park Superintendent II

DATE

2/9/2012

**RESOURCES**

*Explain all 'Yes' or 'Maybe' answers in the "Evaluation and Comments" section (reference by letter and number). Attach additional pages, if necessary.*

YES	MAYBE	NO	<b>A. EARTH – WILL THE PROJECT:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Create unstable soil or geologic conditions?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Adversely affect topographic features?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Adversely affect any unusual or significant geologic features?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Increase wind or water erosion?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Adversely affect sand deposition or erosion of a sand beach?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Expose people, property, or facilities to geologic hazards or hazardous waste?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Adversely affect any paleontological resource?

YES	MAYBE	NO	<b>B. AIR – WILL THE PROJECT:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Adversely affect general air quality or climatic patterns?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Introduce airborne pollutants that may affect plant or animal vigor or viability?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Increase levels of dust or smoke?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Adversely affect visibility?

YES	MAYBE	NO	<b>C. WATER – WILL THE PROJECT:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Change or adversely affect movement in marine or fresh waters?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Change or adversely affect drainage patterns or sediment transportation rates?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Adversely affect the quantity or quality of groundwater?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Adversely affect the quantity or quality of surface waters?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Expose people or property to flood waters?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Adversely affect existing or potential aquatic habitat(s)?

**DEPARTMENT POLICY COMPLIANCE**

	YES	NO
HAS A GENERAL PLAN BEEN APPROVED FOR THE UNIT?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, is the project consistent with the GP?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, what is the project justification?		
Is it a temporary facility? (No permanent resource commitment)	<input type="checkbox"/>	<input type="checkbox"/>
Health and Safety?	<input type="checkbox"/>	<input type="checkbox"/>
Is it a Resource Management Project?	<input type="checkbox"/>	<input type="checkbox"/>
Is it repairing, replacing, or rehabilitating an existing facility?	<input type="checkbox"/>	<input type="checkbox"/>
 IS THE PROJECT WITHIN A CLASSIFIED SUBUNIT?		
Natural Preserve	<input type="checkbox"/>	<input type="checkbox"/>
Cultural Preserve	<input type="checkbox"/>	<input type="checkbox"/>
State Wilderness	<input type="checkbox"/>	<input type="checkbox"/>
 IS THE PROJECT CONSISTENT WITH THE DEPARTMENT'S CULTURAL RESOURCE MANAGEMENT DIRECTIVES?	<input type="checkbox"/>	<input type="checkbox"/>
 IS THE PROJECT CONSISTENT WITH THE DEPARTMENT'S OPERATIONS MANUAL CHAPTER 0300?	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS:

SUPERINTENDENT PROJECT CONCEPT APPROVAL OR DESIGNEE

TITLE

State Park Superintendent II

DATE

**RESOURCES**

*Explain all 'Yes' or 'Maybe' answers in the "Evaluation and Comments" section (reference by letter and number). Attach additional pages, if necessary.*

YES	MAYBE	NO	<b>A. EARTH – WILL THE PROJECT:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Create unstable soil or geologic conditions?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Adversely affect topographic features?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Adversely affect any unusual or significant geologic features?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Increase wind or water erosion?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Adversely affect sand deposition or erosion of a sand beach?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Expose people, property, or facilities to geologic hazards or hazardous waste?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Adversely affect any paleontological resource?

YES	MAYBE	NO	<b>B. AIR – WILL THE PROJECT:</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Adversely affect general air quality or climatic patterns?
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Increase levels of dust or smoke?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Adversely affect visibility?

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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Change or adversely affect movement in marine or fresh waters?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Change or adversely affect drainage patterns or sediment transportation rates?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Adversely affect the quantity or quality of groundwater?
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Expose people or property to flood waters?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Adversely affect existing or potential aquatic habitat(s)?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**D. PLANT LIFE – WILL THE PROJECT:**

1. Adversely affect any native plant community?
2. Adversely affect any unique, rare, endangered, or protected plant species?
3. Introduce a new species of plant to the area?
4. Adversely affect agricultural production?
5. Adversely affect the vigor or structure of any tree?
6. Encourage the growth or spread of alien (non-native) species?
7. Interfere with established fire management plans or practices?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**E. ANIMAL LIFE – WILL THE PROJECT:**

1. Adversely affect any native or naturalized animal population?
2. Adversely affect any unusual, rare, endangered, or protected species?
3. Adversely affect any animal habitat?
4. Introduce or encourage the proliferation of any non-native species?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**F. CULTURAL RESOURCES – WILL THE PROJECT:**

1. Adversely affect a prehistoric or historic archeological site?
2. Adversely affect a prehistoric or historic building, structure, or object?
3. Cause an adverse physical or aesthetic effect on an eligible or contributing building, structure, object, or cultural landscape?
4. Diminish the informational or research potential of a cultural resource?
5. Increase the potential for vandalism or looting?
6. Disturb any human remains?
7. Restrict access to a sacred site or inhibit the traditional religious practice of a Native American community?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**G. AESTHETIC RESOURCES – WILL THE PROJECT:**

1. Adversely affect a scenic vista or view?
2. Significantly increase noise levels?
3. Adversely affect the quality of the scenic resources in the immediate area or park-wide?
4. Create a visually offensive site?
5. Be incompatible with the park design established for this unit or diminish the intended sense of "a special park quality" for the visitor?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**H. RECREATIONAL RESOURCES – WILL THE PROJECT:**

1. Be in a public use area?
2. Have an adverse effect on the quality of the intended visitor experience?
3. Have an adverse effect on the quality or quantity of existing or future recreational opportunities or facilities?
4. Have an adverse effect on the accessibility of recreational facilities (e.g., ADA requirements)?

**EVALUATION AND COMMENTS**

**ENVIRONMENTAL REVIEW**

*To Be Completed by Qualified Specialist(s) ONLY.  
Attach additional reviews or continuation pages, as necessary.*

**ARCHEOLOGIST COMMENTS**

No Significant Impact    Conditions    Mitigation    Potential Impact

PRC 5024 Attached

SIGNATURE

PRINTED NAME

Linda Dick-Bissonnette

TITLE

Associate State Archaeologist

DATE

**HISTORIAN COMMENTS**

No Significant Impact    Conditions    Mitigation    Potential Impact

PRC 5024 Attached

SIGNATURE

PRINTED NAME

Dan Osanna

TITLE

State Historian III

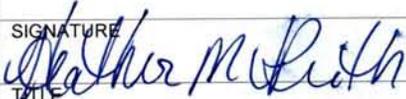
DATE

**ENVIRONMENTAL SCIENTIST COMMENTS**

No Significant Impact    Conditions    Mitigation    Potential Impact

*River Partners is to keep in contact with NR staff as to their progress & schedule site visits to see work quality & overall conditions of treated areas.*

SIGNATURE



PRINTED NAME

Heather M. Reith

TITLE

Environmental Scientist

DATE

*2/1/12*

**MAINTENANCE CHIEF/SUPERVISOR COMMENTS**

No Significant Impact    Conditions    Mitigation    Potential Impact

SIGNATURE

TITLE

Park Maintenance Chief I

PRINTED NAME

Mike Stanley

DATE

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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4. Adversely affect agricultural production?
5. Adversely affect the vigor or structure of any tree?
6. Encourage the growth or spread of alien (non-native) species?
7. Interfere with established fire management plans or practices?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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1. Adversely affect any native or naturalized animal population?
2. Adversely affect any unusual, rare, endangered, or protected species?
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YES	MAYBE	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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5. Increase the potential for vandalism or looting?
6. Disturb any human remains?
7. Restrict access to a sacred site or inhibit the traditional religious practice of a Native American community?

F1-7 checked by CSP Central Valley District Cultural Specialist, ASA, Linda Dick Bissonnette, 2/9/12

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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4. Create a visually offensive site?
5. Be incompatible with the park design established for this unit or diminish the intended sense of "a special park quality" for the visitor?

YES	MAYBE	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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3. Have an adverse effect on the quality or quantity of existing or future recreational opportunities or facilities?
4. Have an adverse effect on the accessibility of recreational facilities (e.g., ADA requirements)?

**EVALUATION AND COMMENTS**

**ENVIRONMENTAL REVIEW**

*To Be Completed by Qualified Specialist(s) ONLY.  
Attach additional reviews or continuation pages, as necessary.*

**ARCHEOLOGIST COMMENTS**       No Significant Impact     Conditions     Mitigation     Potential Impact

Since the Project Description states that River Partners will obtain all necessary permits, then they are the "Lead Agency" and they need to obtain an archaeological Phase I Assessment, including NAHC, and SHPO consultations, and an Info. Center Record Search, to ensure cultural resources protection. There will be no significant impacts stemming from the Right of Entry permit alone. But, since the weed control measures include uprooting plants and planting "plugs", more specific treatment areas need to be field inspected (when known) by professionally qualified staff (PQS) and more specific cultural resources protection measures added to the program guidelines and field crew training. It is insufficient to check the BOR database for recorded sites. There are known sites and human remains in one of the parks, and river terraces are considered sensitive or likely to have often partially exposed cultural remains and/or sites covered by alluvium.

PRC 5024 Attached

SIGNATURE <i>Linda Dick-Bissonnette</i>	PRINTED NAME Linda Dick-Bissonnette
TITLE Associate State Archaeologist	DATE 2/9/12

**HISTORIAN COMMENTS**       No Significant Impact     Conditions     Mitigation     Potential Impact

PRC 5024 Attached

SIGNATURE	PRINTED NAME Dan Osanna
TITLE State Historian III	DATE

**ENVIRONMENTAL SCIENTIST COMMENTS**       No Significant Impact     Conditions     Mitigation     Potential Impact

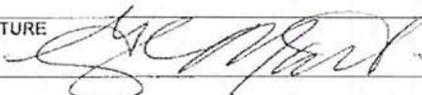
SIGNATURE	PRINTED NAME Heather M. Reith
TITLE Environmental Scientist	DATE

**MAINTENANCE CHIEF/SUPERVISOR COMMENTS**       No Significant Impact     Conditions     Mitigation     Potential Impact

SIGNATURE	PRINTED NAME Mike Stanley
TITLE Park Maintenance Chief I	DATE

<b>ENVIRONMENTAL REVIEW</b> <i>To Be Completed by Qualified Specialist(s) ONLY.</i> <i>Attach additional reviews or continuation pages, as necessary.</i>	
<b>ARCHEOLOGIST COMMENTS</b> <input type="checkbox"/> No Significant Impact <input type="checkbox"/> Conditions <input type="checkbox"/> Mitigation <input type="checkbox"/> Potential Impact	
<input type="checkbox"/> PRC 5024 Attached	
SIGNATURE	PRINTED NAME
	Linda Dick-Bissonnette
TITLE	DATE
Associate State Archaeologist	
<b>HISTORIAN COMMENTS</b> <input type="checkbox"/> No Significant Impact <input type="checkbox"/> Conditions <input type="checkbox"/> Mitigation <input type="checkbox"/> Potential Impact	
<input type="checkbox"/> PRC 5024 Attached	
SIGNATURE	PRINTED NAME
	Dan Osanna
TITLE	DATE
State Historian III	
<b>ENVIRONMENTAL SCIENTIST COMMENTS</b> <input type="checkbox"/> No Significant Impact <input type="checkbox"/> Conditions <input type="checkbox"/> Mitigation <input type="checkbox"/> Potential Impact	
<input type="checkbox"/> PRC 5024 Attached	
SIGNATURE	PRINTED NAME
	Heather M. Reith
TITLE	DATE
Environmental Scientist	
<b>MAINTENANCE CHIEF/SUPERVISOR COMMENTS</b> <input checked="" type="checkbox"/> No Significant Impact <input type="checkbox"/> Conditions <input type="checkbox"/> Mitigation <input type="checkbox"/> Potential Impact	
<input type="checkbox"/> PRC 5024 Attached	
SIGNATURE	PRINTED NAME
	Mike Stanley
TITLE	DATE
Park Maintenance Chief I	2-9-12

OTHER SPECIALIST COMMENTS <span style="float: right;"> <input type="checkbox"/> No Significant Impact                    <input type="checkbox"/> Conditions                    <input type="checkbox"/> Mitigation                    <input type="checkbox"/> Potential Impact             </span>	
SIGNATURE	PRINTED NAME
TITLE	DATE

<b>Sector Superintendent Comment Review</b> <input checked="" type="checkbox"/> Conditions Acceptable <input type="checkbox"/> Conditions Not Acceptable (comment and discuss with Specialist) <input type="checkbox"/> Mitigation Acceptable <input type="checkbox"/> Mitigation Not Acceptable (comment and discuss with Specialist)	
SIGNATURE 	PRINTED NAME Greg Martin
TITLE State Park Superintendent II	DATE 2/14/2012

**ENVIRONMENTAL COORDINATOR REVIEW**

YES	MAYBE	NO	<b>CUMULATIVE IMPACTS</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Will the project be conducted in conjunction with or at the same time as other projects at the park?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Will the project be part of a series of inter-related projects?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Are there any other projects that must be completed for any part of this project to become operational?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Are there any other projects (including deferred maintenance) that have been completed or any probable future projects that could contribute to the cumulative impacts of this project?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Are any of the projects that relate to the proposed work outside the General Plan?

COMMENTS:

**RECOMMENDATION:**

- Not a project for the purposes of CEQA compliance.
- The project is exempt. A Notice of Exemption should be filed.
- A Negative Declaration should be prepared.
- A Mitigated Negative Declaration should be prepared.
- An EIR should be prepared.

SIGNATURE 	PRINTED NAME Heather M. Reith
---	----------------------------------

TITLE Environmental Scientist/Environmental Coordinator	DATE 2/14/12
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**DISTRICT SUPERINTENDENT REVIEW**

COMMENTS:

***I acknowledge any constraints placed on the project as a result of the specialists' comments above and recommend the project proceed.***

DISTRICT SUPERINTENDENT APPROVAL SIGNATURE

TITLE

DATE

 District Services  
Manager 2/15/12

## Reith, Heather

---

**From:** Osanna, Dan  
**Sent:** Tuesday, January 31, 2012 3:51 PM  
**To:** Reith, Heather; Martin, Greg  
**Cc:** Steller, Liz  
**Subject:** RE: River Partners ROE permit & Weed Management Project Request for Project Evaluation

Hi Heather:

I'll just sign off on this one when it comes in for review. I don't need to complete a 5024.

Dan

---

**From:** Reith, Heather  
**Sent:** Tuesday, January 31, 2012 3:36 PM  
**To:** Martin, Greg; Stanley, Mike; Dick-Bissonnette, Linda; Osanna, Dan  
**Cc:** Steller, Liz  
**Subject:** River Partners ROE permit & Weed Management Project Request for Project Evaluation

### **Subject: Request for Project Evaluation**

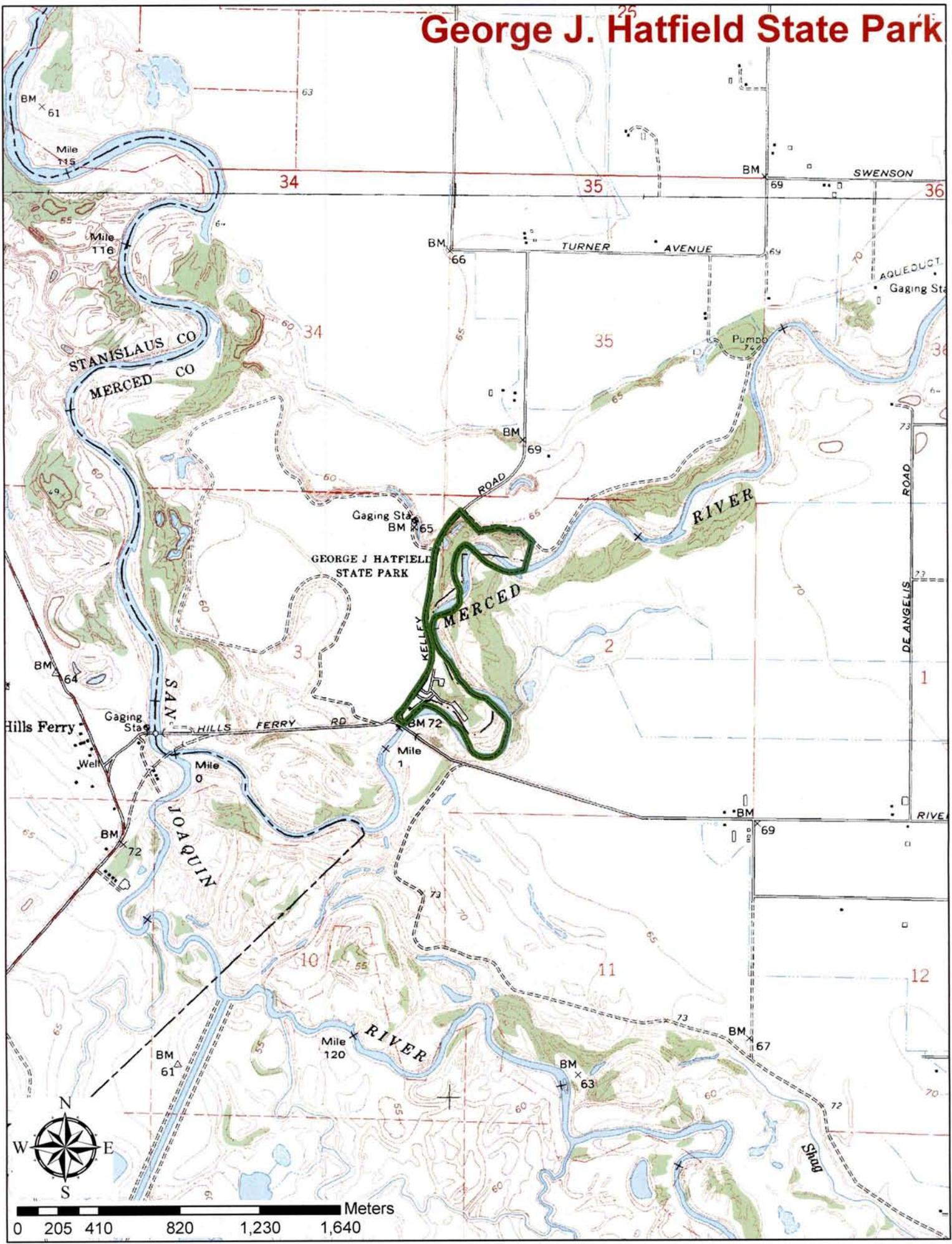
Attached is the Project Evaluation Form (PEF) for the **River Partners Right of Entry Permit and Weed Management** project at **Great Valley Grasslands SP & George J. Hatfield SRA**. Please complete your review and return your review pages to me, along with any additional supporting materials by **February 10, 2012**.

All appropriate boxes (i.e. Department Policy Compliance & Resources Sections) must be checked and all "Maybe" or "Yes" answers must be explained. Make sure all evaluations are signed and dated, and that comments and recommended project conditions are as specific as possible. Once all reviews are complete, I will review comments and determine the recommended level of CEQA compliance.

To save on paper please remember to send back the pages with your review and the check boxes you filled out.

The Project Manager is **Greg Martin** and he/she can be reached at **209-826-1197** or by email at **gmart@parks.ca.gov**. If you have questions related to the project or the project design please contact the Project Manager. Make sure to cc the Sector Superintendent in charge of the unit and me on any correspondence pertaining to this project. If you have questions related to the CEQA process, I can be reached at (209) 536-2887 or by email at **hreith@parks.ca.gov**.

# George J. Hatfield State Park



**George J. Hatfield State Park**

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**HATFIELD  
PARK**

**KELLEY  
MERCED**

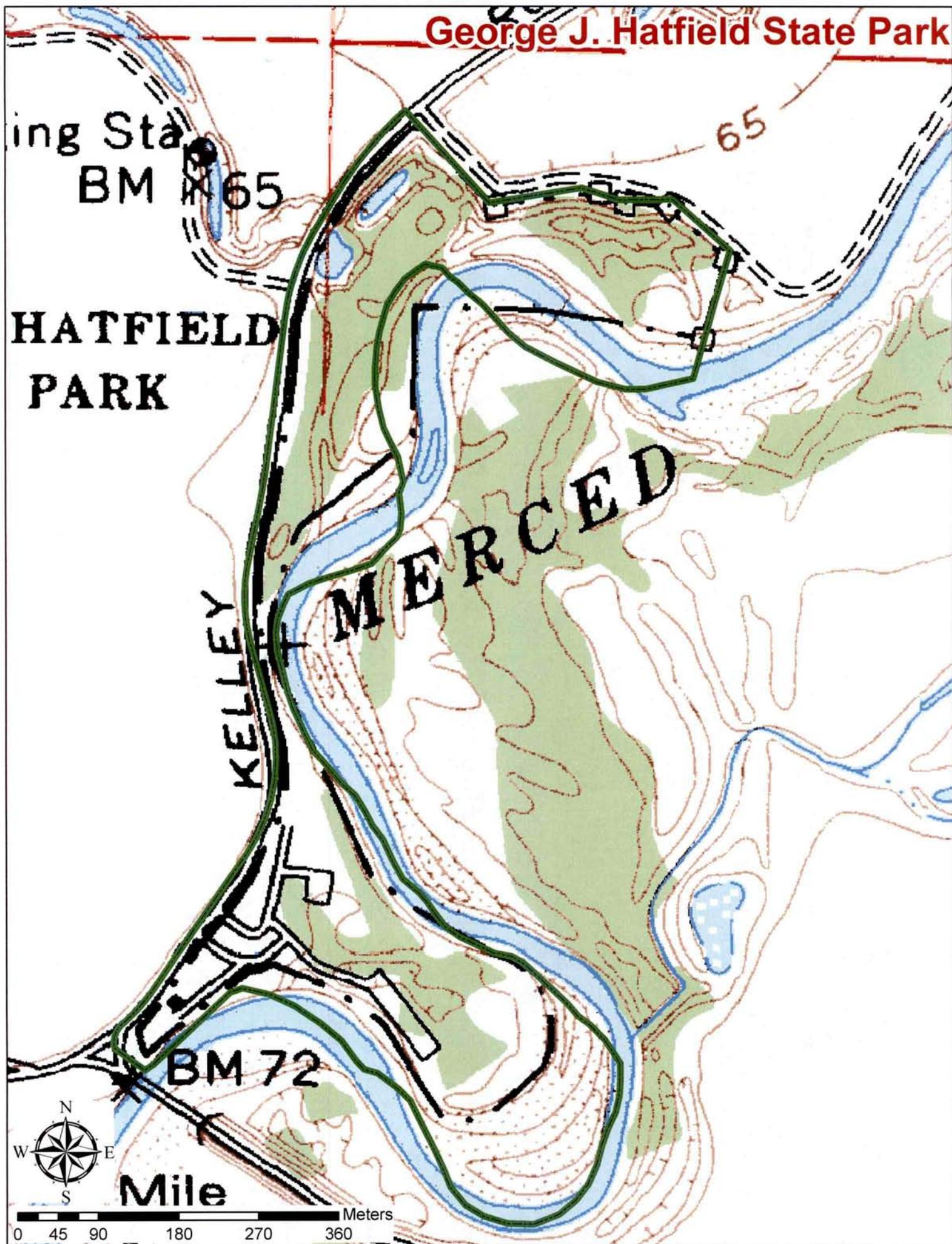
BM 72



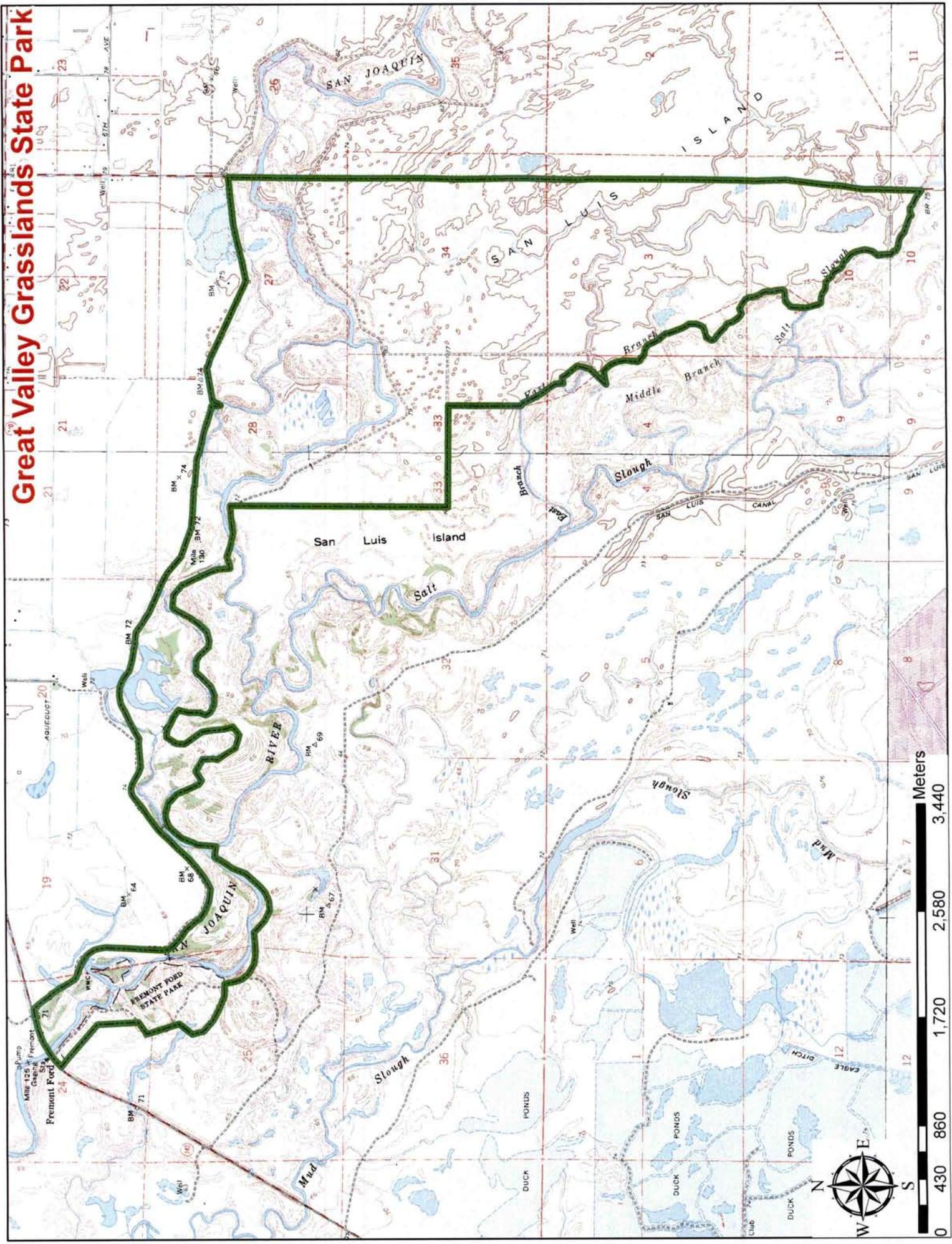
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# Great Valley Grasslands State Park



# Attachment A

## RIGHT OF ENTRY PERMIT

Agency: Department of Parks and Recreation

Project: Central Valley District, Four Rivers Sector  
Great Valley Grasslands SP & George J.  
Hatfield SRA Weed Management Project

This Right of Entry Permit (Permit) is made and entered into this \_\_\_\_\_, between the State of California, acting by and through its Department of Parks and Recreation, hereinafter called State, and River Partners, a private non-profit 501c(3) California corporation, hereinafter called Permittee; State and Permittee may hereinafter be referred to as a Party, or collectively the Parties.

### RECITALS

- **Whereas**, the State owns, operates and maintains the State Parks known as Great Valley Grasslands [GVG SP] and George J. Hatfield [GJ Hatfield SRA], in the County of Merced, State of California; and
- **Whereas**, Permittee has applied to State for permission to access GVG SP and GJ Hatfield SRA for purposes of carrying out Permittee's weed control project to monitor and manage invasive vegetation along the San Joaquin River, its tributaries and floodplain. (the Project) as described in the San Joaquin River "Weed Management and Jobs Creation Project" document, attached hereto as Exhibit "A" and herein incorporated by reference; and
- **Whereas**, the State desires to accommodate Permittee's application for permission to enter GVG SP and GJ Hatfield SRA for purposes of the Project, as provided herein and as, and to the extent, such Project may be ultimately described, permitted, approved and conditioned by Permittee's environmental document and herein incorporated by reference, and as may be conditioned by any other regulatory agency having jurisdiction, if applicable.

### TERMS AND CONDITIONS

**Now therefore**, the State by this Permit hereby grants to the Permittee permission to enter upon State's property, conditioned upon the agreement of the Parties that this Permit does not create or vest in Permittee any interest in the real property herein described or depicted, that the Permit is revocable and non-transferable, and that the Permit is further subject to the following terms and conditions:

1. **Project Description:** By this Permit, the State hereby grants to the Permittee permission to enter onto those lands depicted on Exhibit "B" (the Property), attached hereto and herein incorporated by this reference, solely for the purpose of monitoring and managing the invasive vegetation along the San Joaquin River, its tributaries and floodplain.
2. **Permit Subject to Laws and Regulatory Agency Permits:** This Permit is expressly conditioned upon Permittee's obtaining any and all regulatory permits or approvals required by the relevant regulatory agencies for the Project and Permittee's use of the Property, and upon Permittee's compliance with all applicable municipal, state and federal laws, rules and regulations, including all State Park regulations. Permittee shall, at Permittee's sole cost and expense, comply with the Project Description, and requirements and mitigations contained in the Environmental Document.

Prior to commencement of any work, Permittee shall obtain all such legally required permits or approvals and submit to the State full and complete copies of all permits and approvals, including documentation related to or referenced in such permits and approvals, along with the corresponding agency contact and telephone numbers, and related California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation as applicable.

3. **Term of Permit:** This Permit shall only be for the period beginning on \_\_\_\_\_, and ending on \_\_\_\_\_, or as may be reasonably extended by written mutual agreement of the Parties.
4. **Consideration:** Permittee agrees to pay State the sum of five hundred and No/100 Dollars (\$500.00) as partial reimbursement for staff time associated with the preparation of documents for issuance of this permit. Payment is due upon execution of this Permit.
5. **Permit Subject to Existing Claims:** This Permit is subject to existing contracts, permits, licenses, encumbrances and claims which may affect the Property.

**6. Waiver of Claims and Indemnity:** Permittee waives all claims against State, its officers, agents and/or employees, for loss, injury, death or damage caused by, arising out of, or in any way connected with the condition or use of the Property, the issuance, exercise, use or implementation of this Permit, and/or the rights herein granted. Permittee further agrees to protect, save, hold harmless, indemnify and defend State, its officers, agents and/or employees from any and all loss, damage, claims, demands, costs and liability which may be suffered or incurred by State, its officers, agents and/or employees from any cause whatsoever, arising out of, or in any way connected with this Permit, exercise by Permittee of the rights herein granted, Permittee's use of the Property and/or the Project for which this Permit is granted, except those arising out of the sole active negligence or willful misconduct of State. Permittee will further cause such indemnification and waiver of claims in favor of State to be inserted in each contract that Permittee executes for the provision of services in connection with the Project for which this Permit is granted.

**7. Contractors:** Permittee shall incorporate the terms, conditions and requirements contained herein when contracting out all or any portion of the work permitted hereunder. Permittee shall be responsible for ensuring contractor/subcontractor compliance with the terms and conditions contained herein. Failure of Permittee's contractors to abide by State's terms and conditions shall constitute default by Permittee (see DEFAULT paragraph below) allowing State to terminate this Permit and seek all legal remedies.

**8. Insurance Requirements:** As a condition of this Permit and in connection with Permittee's indemnification and waiver of claims contained herein, Permittee shall maintain, and cause its contractors to maintain, a policy or policies of insurance as follows:

**A. Commercial Permittees**

Permittee shall maintain motor vehicle liability with limits of not less than \$1,000,000 per accident. Such insurance shall cover liability arising out of a motor vehicle, including all owned, hired, and non-owned motor vehicles.

Permittee shall maintain statutory Workers' Compensation and employer's liability insurance coverage in the amount of \$1,000,000/employee/disease/each accident, for all its employees who will be engaged in the performance of work on the Property, including special extensions where applicable. Said policy shall include a waiver of subrogation in favor of State. If the permittee has no employees and/or the owner(s) have elected not to be covered by workers' compensation, Permittee shall provide State with a written confirmation that Permittee is not required to be, and/or has elected not to be, covered by Workers' Compensation.

Permittee shall procure commercial general liability insurance at least as broad as the most commonly available ISO policy form CG 0001 covering premises operations, products/completed operations, personal/advertising injury and contractual liability with limits not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate. Said policy shall apply separately to each insured against whom any claim is made or suit is brought subject to the Permittee limits of liability

Each policy of insurance required by this provision shall: (a) be in a form, and written by an insurer, reasonably acceptable to State; (b) be maintained at Permittee's sole expense; and (c) require at least thirty (30) days written notice to State prior to any cancellation, non-renewal or material modification of insurance coverage.

Insurance companies issuing such policies shall have a rating classification of "A-" or better and financial size category ratings of "VII" or better according to the latest edition of the A.M. Best Key Rating Guide. All Insurance companies issuing such policies shall be licensed admitted insurers or eligible surplus lines insurers authorized to do business in the State of California.

Said motor vehicle liability and commercial general liability policies shall contain an endorsement naming the California Department of Parks and Recreation as an additional insured at no cost to State.

Permittee shall provide to State evidence that the insurance required to be carried by this Permit, including the endorsements affecting the additional insured status and waiver of subrogation, is in full force and effect and that premiums therefore have been paid. Such evidence shall, at State's discretion, be in either the form of an ACORD Form (Certificate of Insurance) or DPR Form 169A (Certificate of Insurance for Concession Contracts/Special Events), or a certified copy of the original policy, including all endorsements.

Permittee is responsible for any deductible or self-insured retention contained within the insurance program.

Should Permittee fail to keep the specified insurance in effect at all times, Permittee shall be considered to be in default of this Permit, and State may, in addition to any other remedies it has, terminate this Permit.

Permittee shall require and ensure that all contractors and subcontractors have adequate insurance meeting the coverage requirements in this provision.

Any insurance required to be carried shall be primary and not excess to any other insurance carried by State.

Coverage shall be in force for the complete term of this Permit, including any extension thereof, and for all work being done for which this Permit is required.

**9. Reservation of Rights:** State reserves the right to use the Property in any manner, provided such use does not unreasonably interfere with Permittee's rights herein.

**10. Access Limits and Conditions:** Access to the Property shall be limited to the access designated by State.

Permittee shall access the Parks via already existing roads and no new roads or grading will occur to provide access to work sites.

Work shall be performed during normal operating hours of the park.

**11. Notice of Work:** Any required notices to State shall be sent to the State authorities in charge of Great Valley Grassland State Park and George J. Hatfield State Recreation Park named below. At least forty-eight (48) hours prior to any entry upon the Property for any of the purposes hereinabove set forth, Permittee shall provide the State contact[s] named below with written notice of Permittee's intent to enter the Property. Permittee shall also notify the State contact[s] listed below in writing at least forty-eight (48) hours prior to any change in the Project schedule or cessation or completion of work. Should State personnel need to contact Permittee, State shall notify Permittee's contact person listed below:

**STATE:**

Contact: Greg Martin, Sector Superintendent  
District: Central Valley District, Four Rivers Sector  
Address: 31426 Gonzaga Road  
Gustine, CA 95322  
Telephone: 209-826-1197  
Fax: 209-826-0284

**PERMITTEE'S CONTACT:**

Contact: Julie Rentner, Regional Director  
River Partners  
Address: 912 11<sup>th</sup> Street, Suite LL2  
Modesto, CA 95354  
Telephone: 209-521-1700, ext 23  
Fax: 209-521-7327

**12. Limits of Work:** In no event shall this Permit authorize work in excess or contrary to the terms and conditions of any regulatory agency permit or approval. Under no circumstances, whether or not authorized by any regulatory agency, other permit or any person or entity other than State, shall work exceed that which is authorized by this Permit.

**13. Public Safety:** Permittee shall erect ~~orange plastic temporary construction fencing~~ and appropriate signage prior to commencement of work to prevent public access to the construction work zone. Permittee shall remove such ~~fencing~~ signage within two (2) days after the completion of work. Permittee shall take, and shall cause its contractors or subcontractors to take, any and all necessary and reasonable steps to protect the public from harm in connection with the Project or implementation of this Permit.

**14. Compliance with Monitoring and Mitigation Measures:** Resource monitoring, avoidance measures, and mitigation measures identified by the Project Description, by the CEQA/NEPA Document, and by California Department of Parks and Recreation Environmental Review shall be completed in accordance with and to the satisfaction of the District Superintendent or designee.

Permittee's activities conducted under this Permit shall comply with all State and Federal environmental laws, including, but not limited to, the Endangered Species Act, CEQA, and Section 5024 of the Public Resources Code.

Any of Permittee's archaeological consultants working within the boundaries of the Property shall obtain a permit from the California State Parks Archaeology, History & Museums Division prior to commencing any archaeological or cultural investigations of the Property.

Permittee shall immediately advise State's contact person if any new site conditions are found during the course of permitted work. State will advise Permittee if any new historical resources (including archaeological sites), special status species, threatened/endangered species protocols, or other

resource issues are identified within the Project site. Permittee shall abide by District Superintendent or designee's instructions to protect the resource(s) during the permitted work or risk revocation of the Permit.

Permittee shall make all excavation activities on the Property available to the State Archaeologist for observation and monitoring. During excavation, the State archaeological monitor may observe and report to the State on all excavation activities. State archaeological monitor shall be empowered to stop any construction activities as necessary to protect significant cultural resources from being disturbed.

In the event that previously unknown cultural resources, including, but not limited to, dark soil containing shell, bone, flaked stone, groundstone, or deposits of historic trash are encountered during Project construction by anyone, work will be suspended at that specific location, and the Permittee's work will be redirected to other tasks, until after a State-qualified archaeologist has evaluated the find and implemented appropriate treatment measures and disposition of artifacts, as appropriate, in compliance with all applicable laws and department resource directives.

If human remains are discovered during the Project, work will be immediately suspended at that specific location and the District Superintendent or designee shall be notified by Permittee. The specific protocol, guidelines and channels of communication outlined by the California Native American Heritage Commission (NAHC), and/or contained in Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.9 et seq., will be followed. Those statutes will guide the potential Native American involvement in the event of discovery of human remains.

Permittee shall provide a written work schedule to State so that the State archaeological monitor can arrange to be on site on the necessary days. Permittee shall provide reasonable advance notice of and invite the District Superintendent or designee to any preconstruction meetings with the prime contractor or subcontractors.

- 15. Restoration of Property:** Permittee shall complete the restoration, repair, and revegetation of the Property in consultation with, and to the satisfaction of, the State Environmental Scientist within one (1) year after completion of the Project or the expiration or termination of this Permit, whichever comes first. This obligation shall survive the expiration or termination of this Permit.

Revegetation of treated areas shall be with seed and plant stock from the watershed of the Parks.

- 16. Performance Bond:** ~~If required by State in order to ensure that Permittee performs and completes its obligations in accordance with the terms of the Permit, Permittee shall obtain a Performance Bond in the amount of from a surety duly licensed in the State of California. Permittee shall provide State with a copy of such insurance bond.~~
- 17. Right to Halt Work:** The State reserves the right to halt work and demand mitigation measures at any time, with or without prior notice to Permittee, in the event the State determines that any provision contained herein has been violated, or in the event that cessation of work is necessary to prevent, avoid, mitigate or remediate any threat to the health and safety of the public or state park personnel, or to the natural or cultural resources of the state park.
- 18. Use Restrictions:** The use of the Property by Permittee, including its guests, invitees, employees, contractors and agents, shall be restricted to the daytime hours between sunrise and sunset on a day-by-day basis, unless otherwise approved in advance in writing by State. No person shall use or occupy the Property overnight, unless they are in a designated campsite and with prior permission from the State.

Activities on the Property shall be conducted only in a manner which will not interfere with the orderly operation of the state park. Permittee shall not engage in any disorderly conduct and shall not maintain, possess, store or allow any contraband on the Property. Contraband includes, but is not limited to: any illegal alcoholic beverages, drugs, firearms, explosives and weapons.

Roads and trails where motorized vehicles are normally prohibited may be used for vehicle access by Permittee, its employees, agents or contractors for patrol, maintenance, access to work sites or repair purposes only, and only to the extent specified by State, and shall be otherwise subject to all other conditions and/or restrictions of this Permit and any applicable laws, state park regulations and state park policies.

Permittee shall not use or allow the Property to be used, either in whole or in part, for any purpose other than as set forth in this Permit, without the prior written consent of the State.

- 19. State's Right to Enter:** At all times during the term of this Permit and any extension thereof, there shall be and is hereby expressly reserved to State and to any of its agencies, contractors, agents,

employees, representatives, invitees or licensees, the right at any and all times, and any and all places, to temporarily enter upon said Property to survey, inspect, or perform any other lawful State purposes.

Permittee shall not interfere with State's right to enter.

- 20. Protection of Property:** Permittee shall protect the Property, including all improvements and all natural and cultural features thereon, at all times at Permittee's sole cost and expense, and Permittee shall strictly adhere to the following restrictions:
- (a) Permittee shall not place or dump garbage, trash or refuse anywhere upon or within the Property, except in self-contained trash receptacles that are maintained to State's satisfaction by Permittee.
  - (b) Permittee shall not commit or create, or suffer to be committed or created, any waste, hazardous condition or nuisance in, on, under, above or adjacent to the Property.
  - (c) Permittee shall not cut, prune or remove any vegetation upon the Property, except as identified in the Project description and herein permitted or subsequently approved in writing by the District Superintendent.
  - (d) Permittee shall not disturb, move or remove any rocks or boulders upon the Property, except as identified in the Project description and herein permitted or subsequently approved in writing by the District Superintendent.
  - (e) Permittee shall not grade or regrade, or alter in any way, the ground surface of the Property, except as herein permitted, or subsequently approved in writing by the District Superintendent.
  - (f) Permittee shall not bait, poison, trap, hunt, pursue, catch, kill or engage in any other activity which results in the taking, maiming or injury of wildlife upon the Property, except as identified in the Project description and herein permitted or subsequently approved in writing by the District Superintendent.
  - (g) Permittee shall not use, create, store, possess or dispose of hazardous substances (as defined in the California Hazardous Substances Act) on the Property except as herein permitted, or subsequently approved in writing by the District Superintendent.
  - (h) Permittee shall exercise due diligence to protect the Property against damage or destruction by fire, vandalism and any other causes.
- 21. Default:** In the event of a default or breach by Permittee of any of the terms or conditions set forth in this Permit, State may at any time thereafter, without limiting State in the exercise of any right of remedy at law or in equity which State may have by reason of such default or breach:
- (a) Maintain this Permit in full force and effect and recover the consideration, if any, and other monetary charges as they become due, without terminating Permittee's right to use of the Property, regardless of whether Permittee has abandoned the Property; or
  - (b) Immediately terminate this Permit upon giving written notice to Permittee, whereupon Permittee shall immediately surrender possession of the Property to State and remove all of Permittee's equipment and other personal property from the Property. In such event, State shall be entitled to recover from Permittee all damages incurred or suffered by State by reason of Permittee's default, including, but not limited to, the following:
    - (i) any amount necessary to compensate State for all the detriment proximately caused by Permittee's failure to perform its obligations under this Permit, including, but not limited to, compensation for the cost of restoration, repair and revegetation of the Property, which shall be done at State's sole discretion and compensation for the detriment which in the ordinary course of events would be likely to result from the default; plus
    - (ii) at State's election, such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time by applicable law.
- 22. State's Right to Cure Permittee's Default:** At any time after Permittee is in default or in material breach of this Permit, State may, but shall not be required to, cure such default or breach at Permittee's cost. If State at any time, by reason of such default or breach, pays any sum or does

any act that requires the payment of any sum, the sum paid by State shall be due immediately from Permittee to State at the time the sum is paid. The sum due from Permittee to State shall bear the maximum interest allowed by California law from the date the sum was paid by State until the date on which Permittee reimburses State.

23. **Revocation of Permit:** The State shall have the absolute right to revoke this Permit for any reason upon ten (10) days written notice to Permittee. Written notice to Permittee may be accomplished by electronic or facsimile transmission, and the notice period set forth in this paragraph shall begin on the date of the electronic or facsimile transmission, or, if sent by mail, on the date of delivery. If Permittee is in breach of the Permit or owes money to the State pursuant to this Permit, any prepaid monies paid by Permittee to State shall be held and applied by the State as an offset toward damages and/or amounts owed. Nothing stated herein shall limit the State's exercise of its legal and equitable remedies.
24. **Recovery of Legal Fees:** In any action brought to enforce or interpret any provisions of this Permit or to restrain the breach of any agreement contained herein, or for the recovery of possession of the Property, or to protect any rights given to the State against Permittee, and in any actions or proceedings under Title 11 of the United States Code, if the State shall prevail in such action on trial or appeal, the Permittee shall pay to the State such amount in attorney's fees in said action as the court shall determine to be reasonable, which shall be fixed by the court as part of the costs of said action.
25. **Voluntary Execution and Independence of Counsel:** By their respective signatures below, each Party hereto affirms that they have read and understood this Permit and have received independent counsel and advice from their attorneys with respect to the advisability of executing this Permit.
26. **Reliance on Investigations:** Permittee declares that it has made such investigation of the facts pertaining to this Permit, the Property and all the matters pertaining thereto as it deems necessary, and on that basis accepts the terms and conditions contained in this Permit. Permittee acknowledges that State has made, and makes, no representations or warranties as to the condition of the Property, and Permittee expressly agrees to accept the Property in its as-is condition for use as herein permitted.
27. **Entire Agreement:** The Parties further declare and represent that no inducement, promise or agreement not herein expressed has been made to them and this Permit contains the entire agreement of the Parties, and that the terms of this agreement are contractual and not a mere recital.
28. **Warranty of Authority:** The undersigned represents that they have the authority to, and do, bind the person or entity on whose behalf and for whom they are signing this Permit and the attendant documents provided for herein, and this Permit and said additional documents are, accordingly, binding on said person or entity.
29. **Assignment:** This Permit shall not be assigned, mortgaged, hypothecated, or transferred by Permittee, whether voluntarily or involuntarily or by operation of law, nor shall Permittee let, sublet or grant any license or permit with respect to the use and occupancy of the Property or any portion thereof, without the prior written consent of State.
30. **Choice of Law:** This Permit will be governed and construed by the laws of the State of California.

**STATE OF CALIFORNIA**  
Department of Parks and Recreation

**RIVER PARTNERS**

By: \_\_\_\_\_  
Name: Greg Martin  
Title: Sector Superintendent  
Central Valley District

By: \_\_\_\_\_  
Name: Pad Alexander  
Title: Chief Operating Officer  
Address: 580 Vallomerosa Ave.  
Chico, CA 95926  
Phone: 530-894-5401;  
Fax: 530-894-5212

# Exhibit A

# **WEED MANAGEMENT AND JOBS CREATION PROJECT DESCRIPTION**

## **PROJECT BACKGROUND**

In 2008, River Partners, The Nature Conservancy, and the San Joaquin River Parkway and Conservation Trust (Trust), signed a charter with eight other non-profit organizations which created the San Joaquin River Partnership (Partnership), a collaborative effort to support the implementation of the US Bureau of Reclamation's San Joaquin River Restoration Program (SJRRP). The Partnership exists to advance additional opportunities presented by the SJRRP to further benefit valley residents and the people of California, such as job creation, cleaner water supplies, and development of recreational opportunities along the river.

In 2009, the SJRRP prepared an Environmental Assessment/Initial Study describing the environmental impact of activities associated with running experimental "interim" flows down the formerly dry river channel in Water Year 2010 (WY10: October 1 2009 to September 30 2010). This document included a commitment to implement invasive species monitoring and treatment (as described in Program Invasive Species Monitoring and Implementation Plan hereafter Plan) for the SJRRP's Area of Interest (Friant Dam to the Merced River Confluence, including the flood bypasses in this region). No work was performed by the SJRRP during WY10 to implement this Plan.

In 2010, Reclamation developed a Supplemental Environmental Assessment to encompass WY11. At the time this project description was written, the Interim Flows Program EIR update for WY12 is in process. The responsibility of weed management described in the EIR for WY10 and referenced Plan was carried over from the previous years, and has yet to be addressed by the SJRRP.

River Partners, the Trust, and The Nature Conservancy began working together in summer 2010 to prepare an unsolicited proposal to the Program to perform monitoring and management activities pursuant to the SJRRP's unfulfilled commitment to weed management, while creating local jobs and building capacity in the region. On September 14, 2011, the Bureau of Reclamation signed a grant agreement for the project with the San Joaquin River Parkway & Conservation Trust, who will serve as the fiscal agent for the project.

## **PURPOSE**

The purpose of this project is to monitor and manage invasive vegetation along the San Joaquin River, focusing on five species that have been identified as having potential to prevent successful implementation of the San Joaquin River Restoration Program. The grant from Reclamation runs through December 31, 2012, but the partners' invasive plant removal and restoration and enhancement activities will continue for several years if additional funding is available. The primary goal of the Weed Eradication and Jobs Creation Project is to enhance the habitat quality for common and special-status plant, wildlife, and fish species and to restore habitats that have been degraded by the presence invasive plants.

Recognizing that habitat enhancement activities can result in short term direct and indirect effects on sensitive resources, the project incorporates a proactive approach to resource

protection and sensitive species avoidance while maximizing flexibility of the invasive plant removal and restoration approach.

This document is intended to support the use of a categorical exemption for approval of the project pursuant to the California Environmental Quality Act (CEQA). Another purpose of this document is to help agencies coordinate the regulatory approval process for work to be conducted within each location and minimize the need for duplicative regulatory compliance and permit requests.

## **SETTING**

The project area includes the entire San Joaquin River Restoration Program Area: Friant Dam to Merced River, including Mendota Pool, and the East Side and Mariposa bypasses. The partners are interested in enhancing the management activities in areas within the Lower San Joaquin Levee District. The scope and frequency of any activities within the levee district will be coordinated with the SJRRP and the levee district.

Weed Management activities will focus on areas of dense infestation that are or will be impacted by increased flows in the San Joaquin River. The influence of increased river flows must be described by both expansion of surface inundation within the river and connected sloughs and tributaries, and expansion of shallow groundwater. Stands of dense infestation near the river will provide source material for future infestation, thus areas adjacent to the river must be considered for treatment as well. For these reasons, a standard rule of thumb distance is not appropriate for the entire project.

In the constrained reaches near Friant Dam, treatment will be limited to areas between the river bluffs. This area ranges from 300 to 2,000 feet from river's edge throughout reach 1 and 2 and includes the margins of some gravel pits. Along the reaches 4B and 5, floodplains are wider and the area of weed infestation ranges from 500 to 3,000 feet from the river banks. Within Reach 5, sloughs, tributaries and backwaters also host dense stands of invasive weeds which could jeopardize the effectiveness of weed treatments downstream. In such instances, the team will turn to the science panel to review efficacy and extent of treatment activities.

Where levees constrain flows, the effective treatment area will include levee top to levee top. In the bypasses, the treatment area will include the entire bypass excepting areas that are currently treated with sufficient efficacy by the levee district. On private lands unconstrained by natural topography or levees, the effective treatment area will include approximately 150 feet from the river's edge excepting dense infestations which would hinder the efficacy of treatments within this 150-foot area. In such circumstances, the effective treatment area would expand based upon expert opinion from our Science Panel.

## **PROGRAM DESCRIPTION**

Table 1 summarizes the specific activities and implementation methods planned by each of the partners.

Table 1  
Project Activities  
Weed Management and Jobs Creation Project

Partner name	Location of Work	Work to be Performed	Equipment	Stream Crossings	Avoidance Measures
The Nature Conservancy	San Joaquin River, entire restoration reach	Landowner outreach, assembly of experts panel, coordination of meetings and review by experts panel, no on-the-ground weed management.	N/A	N/A	N/A
San Joaquin River Parkway & Conservation Trust	San Joaquin River Reach 1a and Reach 1B to Highway 145	<p>Invasives Removal:</p> <p>Arundo donax: Hand removal using loppers, weed wrenches, picks, shovels, chainsaws, bladed weed trimmers. Cut/paint and foliar spray application of glyphosate (Rodeo/Roundup/Aquamaster or equivalent); possible use of imazapyr (Habitat). Dead Arundo stalks will be left in place unless it is located in the floodway; if located in floodway dead stalks will be hauled to higher ground and piled to decompose in place, will shred with bobcat-mounted masticator when requested by property owner or if the pile is deemed a fire hazard.</p> <p>Sesbania punicea, Tamarisk, Chinese Tallow:</p> <p>Hand removal using loppers, weed wrenches, picks, shovels, chainsaws, bladed weed trimmers. Cut/paint application of triclopyr (Garlon 4/Pathfinder II or equivalent). Dead stems will be left in place. Cut biomass will be hauled out of floodway and piled to decompose in place. Biomass will be removed for disposal if required by property owner. Seeds dropped during removal process will be raked and bagged for offsite disposal. Seedlings &lt;3' tall will be treated with foliar spray of glyphosate.</p>	<p>Pickup truck/passenger vehicle for monitoring and crew transportation – will use existing roads.</p> <p>Canoe or other boat will be used to transport biomass unreachable from the bank.</p> <p>Small tractor or bobcat with masticator will be used to shred piles of dead biomass, will use existing roads.</p> <p>Tractor/gator/pickup-mounted spray rigs for use in some areas</p>	Yes, by boat, will use existing boat launch facilities	<p>Avoidance protocols for sensitive resources including state and federal listed species (VELB, BNLL, CTS, CRLF, Vernal pool crustaceans and rare plants) and nesting birds are described below. These measures will be reviewed and approved by FWS and DFG prior to commencing</p>

		<p>Habitat enhancement: Minor revegetation using grasses and forbs when necessary and appropriate.</p> <p>Bank Stabilization: seeding, placement of erosion control blankets or similar when necessary and appropriate.</p>			<p>work.</p>
<p>River Partners</p>	<p>San Joaquin River Reach 1B past Highway 145 through Reach 5, including bypasses</p>	<p><b>Invasives Removal:</b></p> <p>Arundo donax: Hand removal using loppers, weed wrenches, picks, shovels, chainsaws, bladed weed trimmers. Cut/paint and foliar spray application of glyphosate (Rodeo/Roundup/Aquamaster or equivalent); possible use of imazapyr (Habitat). Dead Arundo stalks will be left in place unless it is located in the floodway; if located in floodway dead stalks will be hauled to higher ground and piled to decompose in place, will shred with bobcat-mounted masticator when requested by property owner or if the pile is deemed a fire hazard.</p> <p>Trees including but not limited to Sesbania punicea, Tamarisk, Chinese Tallow: Hand removal using machetes, loppers, weed wrenches, picks, shovels, chainsaws, bladed weed trimmers. Cut/paint application of triclopyr (Garlon 4/Pathfinder II or equivalent). Backpack sprayers and broadcast application of herbicides will be used where appropriate. Wicking by hand or by boom mounted wick applicator will be used in appropriate areas. Dead stems will be left in place. Cut biomass will be hauled out of floodway and piled to decompose in place. Biomass will be removed for disposal if required by property owner. To the best of our ability seeds dropped during removal process will be raked and bagged for offsite disposal. Seedlings &lt;3' tall will be treated with</p>	<p>Pickup truck/passenger vehicle for monitoring and crew transportation – will use existing roads.</p> <p>Canoe or other boat will be used to transport biomass unreachable from the bank.</p> <p>Small tractor or bobcat with masticator will be used to shred piles of dead biomass, will use existing roads.</p> <p>Dump truck for hauling if needed.</p> <p>Chipper for processing dead plant material.</p> <p>Trailer for equipment transport.</p> <p>Tractor/gator/mule pickup-mounted spray</p>	<p>No equipment will enter river channel or banks. All river access will be by boat from appropriate launch sites.</p>	<p>Avoidance protocols for sensitive resources including state and federal listed species (VELB, BNLL, CTS, CRLF, Vernal pool crustaceans and rare plants) and nesting birds are described below. These measures will be reviewed and approved by FWS and DFG prior to commencing work.</p>

		<p>foliar application of glyphosate.</p> <p>Perennial and annual noxious weeds including but not limited to: perennial pepperweed, yellow star thistle, poison hemlock: Foliar application of glyphosate (Rodeo/Roundup/Aquamaster or equivalent). Wicking applications by hand or mounted rig where appropriate. Dead stems will be left in place to decompose.</p> <p>Habitat enhancement: Minor revegetation using grasses and forbs when necessary and appropriate.</p> <p>Bank Stabilization: seeding, placement of erosion control blankets or similar when necessary and appropriate.</p>	<p>rigs for appropriate areas.</p> <p>Sickle bar mower for removal of Arundo in some areas.</p>		
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## SPECIFIC PROJECT IMPLEMENTATION METHODS

### INVASIVE PLANT Removal

Monitoring and management activities will focus primarily on giant reed (*Arundo donax*), Chinese tallow (*Sapium sebiferum*), red sesbania (*Sesbania punicea*) and salt cedar (*Tamarix* species). We will partner with agencies that are currently working on spongeplant control and assist them with monitoring and data collection where possible. In addition, other known invasive plants species, such as perennial pepperweed (*Lepidium latifolium*), tree of heaven (*Ailanthus altissima*), scotch broom (*Cytisus scoparius*), fig (*Ficus carica*) and other weeds species that have been identified as problematic on the San Joaquin River in previous weed management work will be monitored and treated opportunistically, to the extent possible.

### Methods

Both partners will use the following general guidelines for invasive plant abatement in their project locations:

- In most cases, invasive plant removal will be done by hand removal methods. Hand removal methods include hand pulling and use of hand tools such as weed wrenches, weed eaters, loppers, chainsaws, hand picks, and shovels.
- In some cases, mechanical equipment will be used to remove invasive plants. The majority of these cases are when there are large stands to be removed. The mechanical equipment proposed to be used includes flail mowers, sickle-bar mowers, masticators, and chippers, which will cut or reduce invasive plant stands and chip material for removal or mulch. Mounting equipment (e.g., backhoe or excavator) for the flail mower and vehicles that pull the chipper will be restricted to existing roads and access paths. Compact tractors (Bobcat-like) with rubber tracks (Positrack) or tires and a front mounted masticator will use existing roads and access paths to access arundo stands.
- Herbicides to be applied include aquatic formulations and terrestrial formulations of glyphosate (Rodeo, AquaMaster, and AquaNeat/Roundup [respectively]) imazapyr (Habitat/Stalker [respectively]), and triclopyr (Garlon 4/Pathfinder II). All of these formulations have been approved for use by the U.S. Environmental Protection Agency, with the aquatic formulations of these herbicides being approved for use over or near waterways. These herbicides are documented to be of low-toxicity to fish, other aquatic organisms, and to wildlife. The herbicides will be used in accordance with label directions and only by licensed applicators approved by the California Department of Pesticide Regulations (DPR).
- Herbicide application methods will include cut and paint stumps, foliar spray or spot spray, cut and paint of regrowth, prep-and-spray, and stem injection. All applications will be done using hand bottles, backpack sprayers, or ATV-mounted power sprayer with low-drift methods (e.g., a coarse drip nozzle).
- To avoid degradation to water quality, herbicide treatment within 20 feet of an active waterway (stream with flowing or standing water) will be done using herbicide formulations approved for use in aquatic/riparian settings.
- Invasive plant removal sites will be carefully evaluated by program partner restoration specialists in terms of the extent of native vs. nonnative plants and on their habitat suitability for wildlife species. The scope and timing of the removal efforts will be determined based on these criteria so that sites with existing high quality wildlife habitat would have minimal temporary loss of habitat quality during removal of the invasive plants. An example for such areas would be to phase removal work over time, where feasible and cost-effective, to not

remove all invasive plants in a large infestation area at once, and incorporating restoration of the appropriate desired native replacement plantings.

- Following herbicide applications, dead biomass will be left on site to decompose standing upright, bent over, or cut and laid in piles. If necessary, biomass may be removed by hauling away the cut vegetation, chipping them in place (if stands are close to existing access roads), or by mulching the standing vegetation with masticators and/or flail mowers. Cut stems can also be piled and burned in place during the winter months or mulched in place during other seasons for use by new native plantings. If the plants are cut before herbicide application takes place, the cut vegetation or resulting regrowth must be treated with follow up applications of herbicide.
- Material that is mulched on-site will be done so using a chipper, an excavator mounted flail mower, or a masticator mounted to the front of a compact tractor with rubber tracks or tires. Vehicles and equipment will be restricted to existing roads and access paths. Movement of the excavator will be limited to existing roads and levee roads. From there, the flail mower can be extended by boom arm to the invasive plant stand. The compact tractor will access stands using existing roads and access paths. No new roads or access paths will be created.
- In-stream work involving hand methods or machinery will be performed during summer and fall low-flow or dry periods;
- The following stream crossing protocol will be followed to minimize disturbance of the stream banks, substrate, and fish when in-stream and low-flow crossings are necessary to reach the opposite stream bank or in-stream islands and/or gravel bars:
  - The project will use existing instream roads and crossings and will not create any new roads or crossing.
  - The project area will be surveyed for crossing locations that will not disturb the stream bank, and crossing locations will be identified and mapped. Crossing will occur during the summer and fall low-flow or dry periods.
  - When crossing using an ATV or other similar small vehicle, the operator will drive slowly through the water to allow fish to move away from the crossing area.
  - When crossing using a boat, the operator will launch the boat from an existing access point or a location identified during the project area survey.
- Potential impacts on special-status species, cultural resources, and other sensitive resources will be avoided by utilizing avoidance and minimization measures (see attached Exhibit 1 for more details).

Invasive plant removal will take place on public lands and on private property in cooperation with willing landowners. Infested areas will either be mapped in the field directly or through aerial photograph interpretation followed by on-the-ground map verification surveys. Treatment sites will be monitored according to standardized protocols established by BOR, and monitoring forms will be submitted to BOR at the end of the year.

New methods for cost-effective, ecologically-sound removal of invasive plants and habitat restoration are constantly being developed. If new methods are developed that differ substantially from those described in this project description, the participating partners will request amendments to existing permits to add the new methods to their project descriptions.

### **Timing**

Invasive weed treatment will be timed for maximum efficacy based on phenology of plants to be treated and implemented to avoid adverse impacts on sensitive resources. If activities must be

conducted during periods that may result in impacts on sensitive resources, specific protocols will be implemented to avoid impacts to these resources.

## **Planting**

After weed removal, in some instances, native grasses and other native riparian herbaceous species (including creeping wildrye (*Leymus triticoides*), mugwort (*Artemisia douglasiana*), gumplant (*Grindelia camporum var camproum*), evening primrose (*Oenothera elata*) and others) will be cultivated to prevent soil erosion and the reemergence of invasive plants. Methods will include broadcast seeding, drill seeding and/or planting plugs. Where feasible and practical, irrigation may be used to support the establishment of native plants. We anticipate the majority of this planting work to include un-irrigated plug plantings in areas that will not be sprayed during routine levee district maintenance activities. The species listed are known to be tolerant of flooding and receding water levels, as well as aggressive against invasive weeds, spreading readily from rhizomes, or producing prolific seed that will enhance downstream conditions considerably. Additionally, native herbaceous species proposed for planting will enhance the food base for pollinators, providing benefits to agriculture in the area. The spread of these species to adjacent properties is not likely to cause undue vegetation management pressure on adjacent farms as farmers in this region have sophisticated weed control regimes which would preclude establishment of native herbs almost exclusively. The proposed native herbs are not known to exclusively harbor threatened or endangered species.

## **SPECIFIC PARTNER PROJECT ACTIVITIES**

### **San Joaquin River Parkway & Conservation Trust**

*Role:* Fiscal agent and lead weed monitoring and management on the San Joaquin River from Friant Dam to HWY 145

*Qualifications:* The San Joaquin River Parkway and Conservation Trust (River Parkway Trust), a 501(c)(3) nonprofit organization, was founded in 1988 to preserve and restore San Joaquin River lands of ecological, scenic or historic significance; to educate the public on the need for stewardship; to research issues affecting the river; and to promote educational, recreational and agricultural uses of the river bottom consistent with protection of the river resources. The River Parkway Trust completed its first significant habitat restoration project in 1998, restoring 31 acres of riparian woodland at Kiwanis Camp Pashayan, 10 acres on the Willow Unit of the San Joaquin River Ecological Reserve and 15 acres adjacent to Riverside Golf Course. In the course of implementing those projects and other operations of the River Parkway Trust, the impact of invasive exotic weeds along the San Joaquin River became obvious.

In 2000, the River Parkway Trust began the first major effort to control invasive weeds along the Parkway reach of the San Joaquin River (Friant Dam to State Route 99). The three-year project was funded by the Wildlife Conservation Board, with matching funds provided by the US Bureau of Reclamation (Bureau) and PG&E. The project targeted three weed species— red sesbania, arundo, and tamarisk.

In 2003, under contract to the Bureau, the River Parkway Trust produced the *Invasive Weed Control and Prioritization Plan for the San Joaquin River* to guide weed management and revegetation efforts along the San Joaquin River. The project entailed analysis of existing vegetation and weed maps of the San Joaquin River to develop a priority list and removal calendar. During the course of these projects, the River Parkway Trust has engaged the help of thousands of volunteers from local school groups, church groups and service organizations.

## **River Partners**

*Role:* Lead weed monitoring and management activities on the San Joaquin River from Highway 145 to the Merced River and along the Eastside and Mariposa bypasses.

*Qualifications:* In 1998 River Partners was founded by two conservation-minded farmers who believed that the fields of habitat restoration and agriculture could synergistically inform each other. Now a 501(c)3 nonprofit corporation, River Partners' mission is to create wildlife habitat for the benefit of people and the environment. River Partners represents a new approach to protecting the environment, with a focus on implementing on-the-ground projects. The organization's team of restoration ecologists and field experts utilizes a variety of tools to bring life back to degraded riparian areas. Success depends on the careful application of technology and science to ensure that projects provide benefits to both the environment and local communities. River Partners recognizes that all on-the-ground projects – restoration, farming and land acquisitions – have neighbors and affect communities. River Partners goal is to balance the basic requirements of wildlife populations with the economic and recreational needs of local citizens.

Over the last 12 years River Partners has planned and implemented native habitat restoration projects of significant acreage. River Partners' combination of farming practices (planting, cultivating, irrigating) with scientific habitat planning has been a unique contribution to environmental work in California, enabling the large scale installation of native habitat projects at low cost. Project sites span the Central Valley and positively impact the Sacramento, San Joaquin, Merced, Tuolumne, Mokelumne, Feather, Bear, Kern and Stanislaus rivers.

River Partners has forged successful partnerships with over 45 public agencies, local governments, irrigation districts and nonprofit organizations and has earned a reputation as a valuable partner for any company or agency attempting to implement conservation plans involving habitat restoration. Most notably River Partners has aided several National Refuge systems and the California Department of Fish and Game in meeting their own conservation goals on the San Joaquin and Sacramento Rivers.

## **SENSITIVE RESOURCES**

For the purpose of avoiding potential effects on sensitive resources resulting from the project, any project activities undertaken within the riparian corridor or in the immediate vicinity will employ resource protection and impact avoidance measures. Known sensitive resources occurring within the geographic scope of the project include a wide variety of sensitive plant and animal species. Cultural resources sites are also likely found within the riparian corridor of the watershed. Sensitive resources that could be present in the project areas are discussed below, along with protocols developed to avoid impacts to these resources while providing for maximum project effects (i.e., removal of invasive plants) and maximum benefits to native plant and wildlife species.

## **BIOLOGICAL**

Several special-status species and sensitive habitats are known from or have the potential to occur in the respective project locations, based on information from:

- The Draft EIR/S for the San Joaquin River Restoration Program
- California Natural Diversity DataBase (CNDDB 2006)

- California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California (CNPS 2006)
- USFWS County lists of sensitive species for Merced, Madera and Fresno Counties
- Various project reports and biological assessments prepared by NGOs and SJRRP consultants

Because invasive plant removal will take place near or within potential habitat of protected species, avoidance measures are included in the project to prevent short term direct or indirect adverse effects on the species, if present. Importantly, the overall project is aimed at improving habitat quality for native plant, fish and wildlife species as well as restoring the integrity of sensitive native riparian communities.

For the purposes of CEQA, all special-status species are evaluated for potential presence. These include the federally- and state-listed threatened, endangered, candidate, and proposed species, federal species of concern, California species of special concern, California fully protected species, and plant species ranked by CNPS as list 1B (rare, threatened, or endangered in California and elsewhere) or list 2 (rare, threatened, or endangered in California, but common elsewhere). However, the following sections only discuss the federally- and state-listed wildlife and plant species that need to be avoided by project activities.

With respect to non-listed special-status species (federal species of concern, California species of special concern, California fully protected species, and CNPS list 1B and list 2 plant species) the project activities would not have an adverse effect on these species.

The activities will have limited habitat disturbance and will not reduce habitat for wildlife or fish species. The removal of invasive plant species may result in temporary reduction of vegetative cover in the riparian zone; however, the overall riparian habitat will not be reduced. Conversely, in the case of arundo, removal will result in improved habitat quality for aquatic species by improving water flow and fish passage in streams. Because most of the invasive plant removal methods will involve hand crews using weed wrenches, chain saws, and loppers, disturbance to the overall riparian habitat will be minimal. In cases where flail mowers and masticators will be used, this equipment will be restricted to use adjacent to existing roads, levees, or access paths where there is clear access to invasive plant stands. If stands are located where native vegetation separates the stands from existing roads, levees, or access paths, this equipment will not be used and hand methods will be implemented instead.

Project activities are not expected to contribute to special-status species population decreases below self-sustaining levels or reduce the number or range of any rare or endangered plant or animal. Removal of invasive species will be done by hand and using hand tools such as weed wrenches, loppers, weedeaters, and chainsaws. No heavy equipment will be used and no large ground disturbance is planned for the project. The herbicides used are not expected to result in population decreases in wildlife and fish species. The herbicides used near water will be aquatic-approved formulations of glyphosate and imazapyr. Special-status plant species typically do not co-occur with dense stands of arundo or other invasive plants. In areas with less dense stands arundo or other invasive plants, where native habitat is present around the stands, special-status plant species will be identified by a qualified botanist in the field prior to administration of herbicides. Should any of these species be present near treatment sites, they will be flagged for avoidance and spray methods shall be evaluated to select the most localized methods.

The project activities will not result in the elimination of a plant or animal community, although the removal of the invasive plants may temporarily reduce the size of the plant community. However, the removal of the invasive plants will, in the long-term, result in more native species

composition in the community, which can result in better habitat quality of the community. Therefore, because the project activities will avoid adverse effects to federal species of concern, California species of special concern, California fully protected species, and CNPS list 1B and list 2 plant species, these species are not discussed further.

## **WILDLIFE**

The following sections discuss the federally and state-listed wildlife species. In each section, a brief description of each species or group of related species is provided. These descriptions are followed by avoidance and minimization measures that will be implemented as part of the project to ensure that the project avoids potential adverse effects to special-status wildlife species. These measures will be further developed and refined in cooperation with the regulatory agencies charged with the protection and management of these resources (DFG, USFWS, NMFS) to ensure a maximum level of protection. The following general avoidance protocols will be observed at all project sites:

- ▶ The implementation methods for invasive plant abatement, stated previously, will be used for all treatment sites
- ▶ Project-related vehicles shall observe a speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways.
- ▶ All food-related trash items such as wrappers, cans, bottles, and food scraps will be packed-in, packed-out on a daily basis.
- ▶ No firearms shall be allowed on the project site.
- ▶ All herbicide treatments will be conducted by a licensed applicator. Herbicides will be applied to foliage and stem, or injected into stems of invasive plants. Herbicides will not be sprayed into streams, pools, ponds, or wetlands.

## **Aquatic and Terrestrial Invertebrates**

### ***Valley Elderberry Longhorn Beetle***

Blue elderberry shrubs (*Sambucus nigra ssp caerulea*) that provide habitat for the valley elderberry longhorn beetle (*Desmocerus californicus dimporphus* [VELB]), a species federally listed as threatened, are abundant throughout the project area. Many locations within the project area have been surveyed for elderberry shrubs, and these previous surveys may already include numerous areas planned for treatment as part of this project. In those locations where previous elderberry shrub inventories have not yet been conducted, elderberry shrubs will be inventoried at each specific treatment site where weed removal and treatment activities will take place. In areas planned for treatment that contain elderberry shrubs the project will avoid impacts to VELB by implementing the following measures:

#### **VELB-1:**

- ▶ A 20-foot buffer shall be established around the dripline of each eligible elderberry shrub (stems >1" diameter) located near treatment sites. The elderberry shrubs and buffers shall be clearly flagged and marked.
- ▶ No equipment (i.e., flail mowers, masticators, and chippers) shall be used within the 20-foot buffer from the dripline of elderberry shrubs.
- ▶ Where treatment sites are identified within the 20-foot buffer from the dripline of elderberry shrubs, prioritize focused herbicide application methods to invasive plants within the 20-foot

buffer from the dripline of elderberry shrubs (wicking, spray-bottle, coarse droplet nozzles, stem injection, low-pressure backpack or power sprayers directed at close range to target plant). Use of herbicides on invasive plants within 20 feet of elderberry shrubs are not expected to result in adverse effects to valley elderberry longhorn beetle as long as the herbicides are applied using focused applications, according to label directions, and by a licensed applicator approved by DPR.

## **Mammals**

### **Fresno Kangaroo Rat**

Fresno Kangaroo Rat (*Dipodomys nitratooides exilis*), a state and federally endangered species, historically inhabited alkali sink, chenopod scrub and annual grassland communities on the San Joaquin Valley floor from Kings to Merced Counties. In the project area, designated critical habitat for Fresno Kangaroo Rats is within the Alkali Sink Ecological Reserve near Mendota Wildlife Area. They have historically been found in project reaches: 1B, 2A, 2B, and 3. To avoid impacts to Fresno Kangaroo Rats, the following measures will be incorporated into the project:

#### **FKR-1:**

- ▶ For areas that are considered Fresno Kangaroo Rat habitat, burrow searches will be performed and any potentially occupied burrows will be clearly flagged with a 20' avoidance buffer.
- ▶ No equipment (i.e., flail mowers, masticators, and chippers) shall be used within the 20-foot buffer from potentially occupied burrows.
- ▶ Where treatment sites are identified within the 20-foot buffer from potentially occupied burrows, prioritize focused herbicide application methods to invasive plants within the 20-foot buffer (wicking, spray-bottle, coarse droplet nozzles, stem injection, low-pressure backpack or power sprayers directed at close range to target plant). Use of herbicides on invasive plants within 20 feet of potentially occupied burrows are not expected to result in adverse effects to Fresno Kangaroo Rat as long as the herbicides are applied using focused applications, according to label directions, and by a licensed applicator approved by DPR.

### **San Joaquin kit fox**

San Joaquin kit fox (*Vulpes macrotis mutica*), a federally endangered species, requires dens for shelter, protection and reproduction. Loose-textured soils are preferable for denning, but modification of the burrows of other animals facilitates denning in other soil types. San Joaquin kit fox is present throughout the San Joaquin Valley largely using annual grassland and various scrub and subshrub communities. Vernal pool, alkali meadows and playas also support habitat, but have wet soils unsuitable for denning. Some suitable habitat has been converted to agricultural uses. San Joaquin kit foxes can use small remnants of native habitat interspersed with development provided there is minimal disturbance, dispersal corridors, and sufficient prey-base. No ground disturbing activities are proposed, however vegetation removal may have a disturbing effect on San Joaquin kit fox dens. The temporary reduction in vegetative cover due to invasive species treatment is not expected to have an adverse effect on prey base as target invasive species within kit fox habitat areas (arundo, salt cedar, and other tree species) are not known to provide enhanced cover for rodents and other prey species. This species historical range occurs along all reaches of the project. To avoid impacts to San Joaquin kit foxes, the following measures will be incorporated into the project:

### **SJKF-1:**

- ▶ No less than 14 and no more than 30 days prior to any treatment activities, project sites will be surveyed for kit fox dens and any potential dens (larger than 5 inches in diameter) will be clearly flagged (Placement of 4-5 flagged stakes 50 feet from the den entrance) with a 50' avoidance buffer.
- ▶ No equipment (i.e., flail mowers, masticators, and chippers) shall be used within the 50-foot buffer from potential dens.
- ▶ Where treatment sites are identified within the 50-foot buffer from potential dens, prioritize focused herbicide application methods to invasive plants within the 50-foot buffer (wicking, spray-bottle, coarse droplet nozzles, stem injection, low-pressure backpack or power sprayers directed at close range to target plant). Use of herbicides on invasive plants within 50 feet of potential dens are not expected to result in adverse effects to San Joaquin kit fox as long as the herbicides are applied using focused applications, according to label directions, and by a licensed applicator approved by DPR.

### **SJKF-2:**

- ▶ If occupied dens are present within the work area, the project team will notify DFG and USFWS immediately and cease all work within the project site until a USFWS-approved biological monitor determines the den is no longer occupied.

## **Amphibians and Reptiles**

### ***Giant Garter Snake***

Giant garter snake (*Thamnophis gigas*), a federally threatened species, inhabits a variety of aquatic habitats, such as agricultural wetlands, irrigation and drainage canals, marshes, sloughs, ponds, lakes, and streams. They are primarily restricted to aquatic habitat and nearby basking areas during their active period (April 1–October 1). Giant garter snakes retreat to small mammals burrows and other soil crevices above prevailing flood elevations during the winter dormancy period (November to mid-March), when they are particularly sensitive because of limited opportunities for escape from disturbance (USFWS 1998). This species occurs in all reaches of the project.

To avoid impacts to giant garter snake, the following measures will be incorporated into the project:

### **GGS-1:**

- ▶ For areas that are considered giant garter snake habitat, project activities will be conducted between May 1 and October 1, the active period for the snake. However, for arundo removal, because of the biology and phenology of arundo, the most effective time to remove and treat this species is in the late summer/fall (August through November). Therefore, project activities occurring in between October 2 and April 30 will implement the following measures:

### **GGS-2:**

- ▶ Removal of invasive plant material will be done using hand tools so as not to result in significant ground disturbance.
- ▶ If tractor-mounted masticators are needed, this equipment should be used only in disturbed areas outside of 200 feet from the banks of active streams, ditches, sloughs, and canals with water present.

### **California Tiger Salamander**

California tiger salamander (*Ambystoma californiense*), a federally threatened species in the Central Valley, uses both aquatic and upland habitats. Aquatic habitats used by California tiger salamander include pools that contain standing water continuously for at least 10 weeks, extending into April. Upland habitats within 1.24 miles of breeding ponds may be used for transit and aestivation. California tiger salamanders over-summer in burrows excavated by other animals (gophers and ground squirrels) and actively migrate to ponds for breeding at night between November and February. The timing of our activities, which will be conducted during daylight hours with most work being conducted during the growing season, will not conflict with the timing of CTS migration. While no ground disturbing activities are proposed, vegetation treatment and removal around aestivation burrows may impact CTS.

Proposed critical habitat for California tiger salamander (Units 12 and 13) occurs near the project area, and may include specific treatment sites at the Merced NWR. This species may occur in all reaches of the project. To avoid impacts to California tiger salamanders, the following measures will be incorporated into the project:

#### **CTS-1:**

- ▶ In suitable habitat for California tiger salamanders, if tractor-mounted masticators are needed, this equipment shall not be used in uplands within 200 feet from potential breeding ponds to avoid the potential for injury to salamanders.

#### **CTS-2:**

- ▶ Within suitable upland habitat areas, prior to any treatment activities, project sites will be surveyed for potential upland aestivation burrows and any potential burrows will be clearly flagged with a 20' avoidance buffer.
- ▶ No equipment (i.e., flail mowers, masticators, and chippers) shall be used within the 20-foot buffer from potential burrows.
- ▶ Where treatment sites are identified within the 20-foot buffer from potential burrows, prioritize focused herbicide application methods to invasive plants within the 20-foot buffer (wicking, spray-bottle, coarse droplet nozzles, stem injection, low-pressure backpack or power sprayers directed at close range to target plant). Use of herbicides on invasive plants within 20 feet of potential burrows are not expected to result in adverse effects to California tiger salamander as long as the herbicides are applied using focused applications, according to label directions, and by a licensed applicator approved by DPR.

### **Blunt-nosed leopard lizard**

Blunt-nosed leopard lizard (*Gambelia sila*), a federally endangered species, inhabits non-native grassland and alkali sink scrub communities of the San Joaquin Valley floor marked by poorly drained, alkaline, and saline soils (it is suggested that perhaps they are associated with these soils only because they are the last remaining undeveloped soil types within the historic range). Blunt-nosed leopard lizards use small mammal burrows (typically abandoned ground squirrel tunnels and occupied and abandoned kangaroo rat tunnels) for shelter and dormancy. They also construct shallow tunnels under exposed rocks or earth berms where small mammal burrows are scarce. Blunt-nosed leopard lizards are only active from March to July, mostly in temperatures ranging from 25-35° C. Suitable habitat has been identified within reach 2, the Eastside bypass, and reach 4B of the San Joaquin River. No ground disturbing activities are proposed, however vegetation removal near burrows may disrupt blunt-nosed leopard lizards. Flooding in the spring of 2011 has most likely drowned aestivating blunt-nosed leopard lizards.

within the project reaches, leaving a minimal chance that disturbance of this species will occur. However, to avoid impacts to blunt-nosed leopard lizards, the following measures will be incorporated into the project:

#### **BNLL-1:**

- ▶ For areas that are considered Blunt-nosed leopard lizard habitat, burrow searches will be performed and any potential burrows will be clearly flagged with a 20' avoidance buffer.
- ▶ No equipment (i.e., flail mowers, masticators, and chippers) shall be used within the 20-foot buffer from potential burrows.
- ▶ Where treatment sites are identified within the 20-foot buffer from potential burrows, prioritize focused herbicide application methods to invasive plants within the 20-foot buffer (wicking, spray-bottle, coarse droplet nozzles, stem injection, low-pressure backpack or power sprayers directed at close range to target plant). Use of herbicides on invasive plants within 20 feet of potentially occupied burrows are not expected to result in adverse effects to blunt-nosed leopard lizard as long as the herbicides are applied using focused applications, according to label directions, and by a licensed applicator approved by DPR.

#### **Fish**

A total of two listed fish species or evolutionarily significant units (ESUs) of a species are known or have potential to occur in the project area. These species or ESUs are the Central Valley California steelhead ESU (*Oncorhynchus mykiss irideus*), and spring-run chinook salmon (*Oncorhynchus tshawytscha*). An ESU is a distinctive group of anadromous fish (i.e., Pacific salmon, steelhead, or sea-run cutthroat trout) generally segmented by the geographic region within which the group spawns or the time of year during which the group spawns. Many of these species, because of their migratory nature, spend only a portion of their lives in the project area. In general, because project activities will take place outside the stream channel and will be timed to avoid seasonal migrations of anadromous fish, no direct impacts to these species are expected to occur as a result of project implementation. In cases where treatment sites are located in in-stream islands or gravel bars and access to those islands require crossing flowing streams, the following measures will be implemented:

#### **FISH-1:**

- ▶ The project area will be surveyed for stream crossing locations that will not disturb the stream bank.
- ▶ These crossing locations will be identified and mapped.
- ▶ Crossing will occur during the summer and fall low-flow periods.
- ▶ When crossing using an ATV or other similar small vehicle (tractor with mounted masticator), the operator will drive slowly through the water to allow fish to move away from the crossing area.
- ▶ When crossing using a boat, the operator will launch the boat from an existing access point or a location identified during the project area survey.
- ▶ The project will maximize the use of existing in-stream roads and crossings and will not create any new roads or crossing.

Indirect impacts, as a result of project implementation, will also be avoided through implementation of the following measures:

#### **FISH-2:**

- ▶ All staging, parking, and materials laydown areas and all areas where hazardous materials (i.e., fuel, large quantities of herbicides, etc.) would be stored will be located at least 50 feet outside of the streambanks.
- ▶ No activity that would impede the normal flow of water in any creek, stream, or river will be implemented as part of this project; and,
- ▶ No activity that would disrupt the movement of resident and anadromous fish species in the stream will be implemented as part of this project.

## **Birds**

### ***Swainson's hawk, White-tailed kite, and other nesting raptors***

The riparian corridor throughout the project area provides suitable nesting habitat for a variety of raptor species which are protected under state and federal law. These species include the state-listed threatened Swainson's hawk (*Buteo swainsoni*) and the DFG fully-protected white-tailed kite (*Elanus leucurus*). Project activities are not expected to result in the loss of nesting habitat. No native, large-canopy trees will be removed as part of this project, only invasive species such as arundo and tamarisk. The removal of the invasive plants and associated treatment with herbicides is not expected to result in the death or injury of raptors. However, the project has the potential to disturb nesting/breeding raptors, resulting in nest abandonment and/or forced fledging of young. Impacts to nesting raptors will be avoided through the use of the following measures:

#### **RAPTOR-1:**

- ▶ Project partner personnel such as project coordinators, restoration ecologists, or crew supervisors will be trained by a qualified biologist on general breeding raptor behavior and evidence of nesting.
- ▶ Before working in a specific treatment site, crews will scan trees and shrubs to assess whether potential raptor nests are present.
- ▶ If potential raptor nests or breeding raptors are observed, A qualified biologist will be required to survey the area to identify the species and determine nest location. General CDFG guidelines recommend implementation of 500 foot buffers around raptor nests, but the size of the buffer may be adjusted depending on species and if a qualified biologist and CDFG determine it would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest.

## **VEGETATION/WETLANDS**

### **Wetlands**

Some of the targeted invasive weeds – especially *Sesbania punicea* - commonly occur along the river's edge and on gravel bars or in-stream islands. The project involves no dredging or filling of any wetlands or streams, and occasional stream crossings will follow Best Management Practices to avoid disturbance to the channel bed or banks. No mechanized land clearing or soil disturbance will occur within Waters of the US or Waters of the State. Prior to commencement of project activities in treatment sites, the treatment sites will be surveyed by qualified biologists to determine the boundaries of protected wetlands and waters according to USACE wetland delineation protocols. The Ordinary High Water (OHW) mark will be identified and avoidance buffers established per the protocols described above. Activities performed below the OHW mark will be limited to hand removal of invasive species, and targeted application of aquatic herbicide formulations. As possible, activities below the OHW mark will be prioritized during low-flow periods.

## **Special-Status Plants**

Special-status plant species typically do not co-occur with dense stands of invasive weeds, therefore no impacts to these species are expected to result from the removal of pure stands of invasive plants. In areas where invasive plants co-occur with native plant communities that may provide suitable habitat for special-status plants, invasive plant removal shall be implemented in a way that minimizes adverse effects on the native vegetation, thus also minimizing effects on any special-status plant species occurring within the native vegetation.

If suitable habitat for protected plants is present, these areas shall be avoided during project implementation. If total avoidance is not feasible, focused surveys for the target state and federally listed special-status plants will be conducted before project implementation pursuant to survey guidelines published by DFG. If any populations of special-status plants are located, the populations shall be clearly flagged for avoidance during project implementation.

The overall effect of the project on special-status plants is expected to be beneficial, as the project will result in improved habitat quality in areas that have been degraded by the presence of arundo and other invasive plants.

## **Sensitive Natural Communities**

Riparian plant communities are considered sensitive natural communities in California, because of the extensive losses sustained by these communities as a result of habitat conversion and the important habitat functions these communities provide to native plant and wildlife species. The project is expected to result in beneficial effects to native riparian plant communities because of the removal of invasive species. For areas where invasive plants co-occur with native riparian plants, minor short term adverse effects on the native vegetation may occur as a result of project implementation. To avoid these adverse effects, the following measure shall be implemented:

- ▶ Use hand tools and focused herbicide applications using directed foliar spray, manipulation of vegetation for strategic spraying, shielding of desirable species, cut-paint or similar application techniques when removing arundo or other invasive plants from areas containing native riparian vegetation. If close-up focused herbicide application is not feasible, broadcast spraying using a backpack sprayer or power sprayer may be used if herbicides application uses low-drift methods (e.g., a coarse drip nozzle).

## **CULTURAL RESOURCES**

To avoid any adverse effects of the project on known cultural resources along streams, rivers and wetlands, the project team will work with the Bureau of Reclamation to perform a database search for known sites. Such sites will be avoided by project activities. No ground disturbing activities are proposed.

## **ADDITIONAL RESOURCE PROTECTION MEASURES**

To ensure that existing sensitive resources along the river are protected during the implementation of restoration and enhancement activities, a number of protection measures have been directly incorporated into the project. The purpose of these measures is to ensure a proactive approach to resource protection and to eliminate the need for future mitigation and permitting. It is anticipated that as long as any new projects implemented under this approach follow the methods outlined below, no further environmental review or agency consultation will be necessary.

## **NATIVE VEGETATION PROTECTION**

- ▶ Where mechanized cutting, mulching, chipping or excavation of living or dead invasive plants and removal of invasive plant biomass will take place near native revegetation, these resources will be avoided to the greatest degree possible;

## **WEED MANAGEMENT**

- ▶ All infestation biomass (i.e., nodes, root stalks or other debris) resulting from invasive plant cutting will be removed from the watercourse or destroyed in place and will be prevented from entering moving water during any time of the project;
- ▶ If stockpiling is necessary, invasive plant material will only be stockpiled in disturbed or unvegetated portions of the channel between April 15 and November 14;
- ▶ Stockpiles will not be placed within 50 feet of flowing water and will not be left within the ordinary high water level for longer than four weeks (or at least a week before periods when dam releases or storms may occur and result in high water that could entrain the stockpiles);
- ▶ Stockpiles may be burned in place in accordance with state and local permits;
- ▶ Immobile mulch – if dead invasive plant material is left in place intentionally as mulch to suppress new growth and facilitate revegetation with native plants, the stems must be left connected to intact roots to avoid entrainment of mulch by flowing water; mulch material must be treated with herbicide to prevent regrowth.

## **WATER QUALITY PROTECTION**

- ▶ Water quality protection methods are incorporated as part of all invasive plant control and project actions for this project, as provided in the sections, "Invasive Plant Abatement", "Bank Stabilization", and "Sensitive Resources";
- ▶ No activity that would impede the normal flow of water in any creek, stream, or river will be implemented as part of this project; and
- ▶ No equipment will be stored, staged or fueled within the stream channel or a 50 foot buffer zone of the banks of streams, wetlands, or other sensitive areas.

## **REQUIRED PERMITS**

### **i. Access**

#### **a. Public Lands**

- ▶ **California Department of Fish and Game Lands:** A letter of authorization to conduct work on non-hunt days is needed to implement project activities on CDFG lands. To obtain a letter of authorization the Department of Fish and Game must review the project description, specifically the invasive weed removal methods. River Partners will coordinate with Department of Fish and Game to ensure project activities are in line with Wildlife Management Area objectives. A Letter of Authorization to conduct work on land managed by the California Department of Fish and Game will be obtained prior to conducting work;
- ▶ **United States Fish and Wildlife Service Lands:** National Wildlife Refuge System General Special Use Application and Permit (FWS Form 3-1383-G) is needed to implement project activities on USFWS lands (e.g. San Luis National Wildlife Refuge and Merced National Wildlife Refuge). River Partners is in communication with USFWS Refuge staff to ensure such access is appropriately permitted.

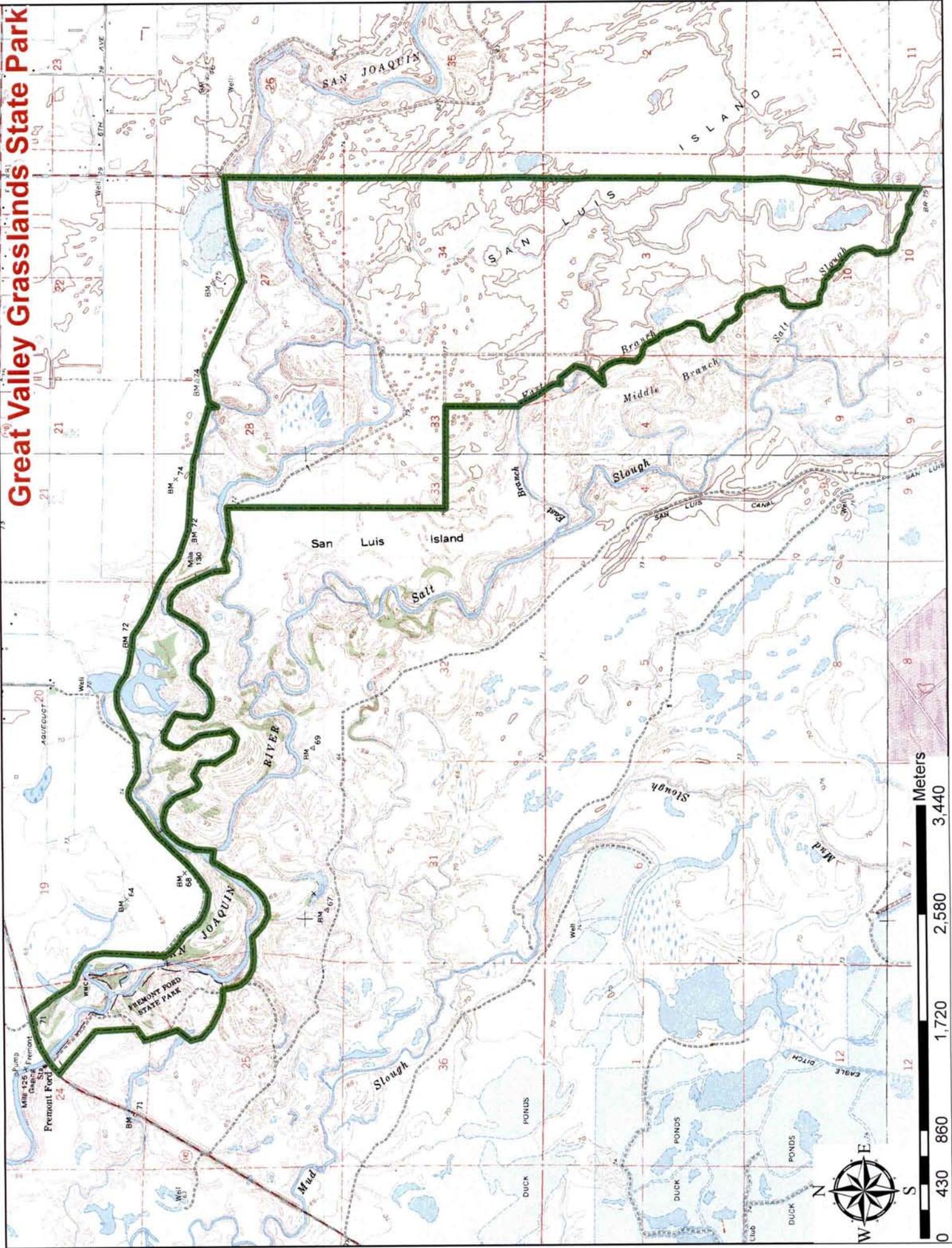
► **Department of Parks and Recreation Lands:** A Right of Entry permit is needed to conduct project activities on State Parks lands (e.g. Great Valley Grasslands State Park and Hatfield State Park). A draft ROE is appended to this project description. An Application and Permit to Conduct Biological, Geological, or Soil Investigations/Collections will be filed with State Parks prior to commencement of any monitoring activities.

**b. Private lands**

► **Temporary Entry Permit:** To conduct project activities on private lands, project staff will work with private landowners to develop Temporary Entry Permits or TEP's. TEP's will specify how environmental surveys will be conducted, detail the controls landowners retain for entry to their property for surveys and weed control activities, and detail the private property rights under the TEP. Project partners will work with willing landowners to develop a form TEP for this project. Until a form TEP is agreed upon between project partners and landowners, access to private lands will be conducted on a one-on-one basis with willing landowners.

# Exhibit B

# Great Valley Grasslands State Park



**George J. Hatfield State Park**

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